

Appendix 10 - Consideration of submissions from State and Commonwealth Public Authorities

Public Authorities were consulted during the public exhibition of the Draft OFV/BN Strategic Review Report.

Several responses were received (hard copies available in Appendix 3) and have been considered when preparing the Planning Proposal as follows:

Government Authority	Issues Raised	Planning Consideration	Action
Sydney Water	Sydney Water's preferred zone for its critical water, wastewater and stormwater assets is SP2 Infrastructure. Sydney Water acknowledges that SEPP (Infrastructure) 2007 allows these uses in any zone, however, does not want to create a situation where development expectations of current and future land owners are unrealistically high because of inappropriate zoning. Sydney Water would like to ensure the existing dominant use and function of the land and Sydney Water's assets are protected via an SP2 zoning. Fifteen (15) properties were identified as being owned by Sydney Water within the study area. Thirteen (13) of these properties adopt the surrounding land use zone in agreement with Sydney Water. However, Sydney Water recommends that three (3) of these properties be zoned SP2 Infrastructure whereas the Draft Strategic Review recommends an E3 Environmental Management zone for these properties: • Lot 1 DP867540 (Reservoir – Water Supply) • Lot 5 DP700298 (Reservoir – Water Supply) • Lot 2 DP 87700 (Depot)	It is recommended that the following properties be zoned SP2: • Lot 1 DP867540 • Lot 5 DP700298 • Lot 2 DP 87700	Reflect SP2 zoning on zoning map
TransGrid	A plan is provided by TransGrid which identifies the transmission station on the southern side of Wyatt Avenue and transmission lines / easements running north and north-west of the station. TransGrid requests that any proposed development remain outside of the existing easements that pertain to TransGrids abovementioned electricity transmission infrastructure, noting that the transmission infrastructure	The recommendations of this Planning Proposal will not impact on TransGrids requirements. This submission was forwarded to Councils project manager for the	N/A

Government Authority	Issues Raised	Planning Consideration	Action
	forms part of the State's greater electricity network and will be required indefinitely. TransGrid seeks the appropriate development controls be applied to any proposed development where works are proposed within the vicinity of TransGrid's easement and the electricity infrastructure. TransGrid also recommends that TransGrid Easement Guidelines for Third Party Development are followed for assessing proposed development applications.	Ralston Avenue Planning Proposal for further consideration.	
Transport Roads and Maritime Services	Transport Roads and Maritime Services requests that Lot 9 DP 737253 and Lot 48 DP221112 which form part of the former Belrose Road Corridor be zoned R2 Low Density Residential.	The purpose of this planning proposal is to translate best fit planning controls from WLEP2000 into WLEP2011. In accordance with the Strategic Reviews methodology, E3 Environmental Management zone has been identified as the best fit translation for this land. Noting that this land currently contains a sports field and is identified as containing threatened species.	N/A
NSW Rural Fire Service	The NSW Rural Fire Service submits that the OFV/BN Strategic Review has the potential to incorporate appropriate provisions and controls for managing development in bush fire prone areas to improve community resilience. The proposed E3 Environmental Management zone recommendation would permit home based childcare without consent. The RFS considers home based childcare as 'Special Fire Protection Purpose' development which requires a risk assessment by the RFS. The RFS believes home based childcare should not be permitted on bush fire prone land without consent due to the vulnerability of these types of developments to the effects of bush fires. Such a requirement	Recommendation: That separate to this Planning Proposal, Warringah Council undertake a Warringah wide house keeping amendment for all zones within the WLEP2011 so that 'home based childcare' is changed from 'permitted without consent' to 'permitted with consent'. This would ensure that where land is not bushfire prone, home based child care can be carried out as exempt	N/A to this Planning Proposal

Government Authority	Issues Raised	Planning Consideration	Action
	may help in the reduction of potential losses from bush fires as experienced in previous fire seasons.	development under SEPP (Exempt and Complying Codes) 2008, however where land is bushfire prone a development application for home based child care would be required to be accompanied by a bushfire assessment report.	
Fisheries NSW, a Division of NSW Department of Primary Industries	Fisheries NSW concur with the proposal to zone the majority of the area, including the numerous first and second order waterways, as E3 Environmental Management. Fisheries notes that Appendix 7 of the Draft OFV/BN Strategic Review Report refers to threatened species listed under the NSW Threatened Species Conservation Act 1995 and/or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, but does not refer to similar provisions and listings in the Fisheries Management Act 1994 (FM Act). Fisheries notes however that the study area does not contain any threatened species currently listed in Schedules 4 (Endangered species, populations and ecological communities), 4A (Critically endangered species and ecological communities) or 5 (Vulnerable species and ecological communities) of the FM Act. Fisheries requests that subsequent stages in the LEP amendment process should reassess the situation and make specific references to the FM Act. Additionally, Schedule 6 lists key threatening processes that should be used to inform future zoning of waterways and riparian lands in the study area.	It is noted that there are no threatened species located in the study area as listed under the Fisheries Management Act 1994. While the constraints methodology of the Draft Strategic Review Report did not expressly reference threatened species or key threatening processes listed under the FM Act, it did recognise the importance of in-stream and riparian habitats, through the application of additional constraints for riparian areas and riparian buffers. The planning proposal has considered the recommendations of this submission.	N/A
Office of Water, a Division of the NSW Department of Primary Industries	The Office of Water submits that it is unclear whether groundwater dependent ecosystems were considered in the constraint analysis completed for the area and that their preference is given for riparian corridors to be zoned E2 for greater protection.	Once the new LEP is gazetted for this area Warringah Development Control Plan 2011 (WDGP2011) will apply.	N/A

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	The Office of Water submits that if riparian corridors are to be zoned E3, greater protection of waterways in these areas should be provided via an objective in the zone. It also recommends that the desired future character of degraded riparian lands aligns with the state government natural resource policy.	Section 8 of WDCP2011 has specific objectives for the management of riparian land which will ameliorate these concerns.	
NSW Department of Trade and Investment – Mineral Resources Branch	The Mineral Resources Branch raises no concerns with the Strategic Review and the proposed amendments to the WLEP 2011.	N/A	N/A